

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT  
OF NEW JERSEY

JOSEPH W. HIGGINS, PLAINTIFF,

V,

CIVIL

ACTION NO. 3 : 11 - cv - 01821 - PGS - TJB

STEPHEN J. BERNSTEIN ET.AL DEFENDANTS.

MOTION FOR PRELIMINARY INJUNCTION

U.S. DISTRICT COURT  
2011 SEP 30 A 11: 2

**Relief Sought**

Plaintiffs respectfully move the court for a preliminary injunction enjoining Defendants, United States of America, and the State of New Jersey and their officers, employees, agents and any persons in active concert and participation with the Defendants, pending a trial on the merits and final order in this action, from:

1. Denying Plaintiffs the equal protection of the laws in violations of the 14th amendment to the United States Constitution and all the laws.
2. Denying the plaintiff the protection of the 13th amendment through external arrangements to claim immediate danger using false criminal prosecution and unfit parenthood falsly using medicaid or otherwise.

**Grounds for Relief**

It is essential that the court issue the requested preliminary injunction to prevent immediate and irreparable injury to the Plaintiffs. As grounds for this motion, Plaintiffs rely on:

1. The Motion for Temporary Restraining Order, complaints and the affidavits restrained by this court, the Defendants will continue to perform the acts sought to be enjoined.

2. As established by the Complaints, Motion and supporting affidavit, if the Defendants continue to perform the acts sought to be enjoined, Plaintiffs will suffer immediate and irreparable harm. Absent a preliminary injunction, the Plaintiffs will continue to be the victims of distinction, restriction, and exclusion from all the laws, and will suffer the immediate and irreparable ill effects of such civil right violations. Plaintiffs will also suffer the severe and irreparable harm of the complete destruction of his parental rights and freedom as a result of PARAGRAPH one and two of relief sought.

3. As established by New Jersey U.S District Court Docket No. 99-3678 and Docket No. 10-3023, Motion and affidavits of the Plaintiffs, the plaintiff are likely to succeed on the merits of this action.

4. As shown by these documents, the injury to Plaintiffs, if Defendants are not enjoined, will substantially exceed any foreseeable hardship to the Defendants. The issuance of a preliminary injunction will cause the Defendants little if any hardship in that the preliminary injunction will require Defendants to treat Plaintiffs as they are required by law to treat all american citizens. The Plaintiffs on the other hand stand to suffer substantial and irreparable harm if the preliminary injunction is not ordered.

5. All defendants did unlawfully willfully fraudulently wickedly corruptly wrongfully and maliciously combine conspire confederate and agree together and with divers other persons whose names are unknown with the fraudulent and malicious intent wrongfully and wickedly to obtain from diverse persons whose names are unknown the same being lawful money of the United States of America for the money personal goods and property of the said diverse persons whose names are unknown by means and by use of the confidence game, contrary to the Statute, and against the peace and dignity of the same People of the United States.

"Whereas disregard and contempt for human rights have resulted in mental barbarous acts which have outraged the conscience of mankind,

be it either **cruel or unusual** and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law"

6. 5/20/2009--Public Law. Fraud Enforcement and Recovery Act of 2009 or FERA - (Sec. 4)Amends the False Claims Act to: (1) expand liability under such Act for making false or fraudulent claims to the federal government; and (2) apply liability under such Act for presenting a false or fraudulent claim for payment or approval (currently limited to such a claim presented to an officer or employee of the federal government). Requires persons who violate such Act to reimburse the federal government for the costs of a civil action to recover penalties or damages. Modifies and expands provisions of the False Claims Act relating to intervention by the federal government in civil actions for false claims, sharing of information by the Attorney General with a claimant, retaliatory relief, and service upon state or local authorities in sealed cases.

7. A preliminary injunction will support public interest in that the peremptory norms against , forced and intimidation to interfere with our civil rights, being violated by Defendants are against the public interest and will continue to be violated unless Defendants are enjoined from their criminal rackateering and treason practices. In addition, the inclusion of Plaintiffs will not cause Defendants' operations or non-parties harm".

### **Support for Motion**

This motion is based on all the papers and records on file in this action, including this document, the Motion, docket no 99-3678 and docket no. 10-3023, Complaint, and the supporting of Joseph W. Higgins and on

any reply Plaintiffs may make and any further evidence and/or argument presented prior to or at the hearing or ruling on this motion.

All defendants were served through electronic notice procedure.

Respectfully submitted,  Sept 30, 2011

Joseph W. Higgins

311 Summer Ave

Newark, Nj 07104

J.S. DISTRICT COURT  
2011 SEP 30 A 11:22